

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53758 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- DORIGANJ District- Saran

Vikash Kumar @ Vikash S/o Musahib Rai R/o vill - Raipur Bingawa, P.S. -
Doriganj, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 18-10-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Doriganj P.S. Case No. 07 of 2024,
registered for the offence punishable under Sections 395 and
397 of the Indian Penal Code.

3. Allegedly, while the informant was standing beside
his truck, in the meantime, 7-8 unknown persons came there and
surrounded him. It is further alleged that out of all the accused
persons, one of them fired upon the informant on his left leg and
others assaulted him by means of *lathi*. The accused persons
also snatched Rs. 15,000/-.

4. Learned Advocate for the petitioner contended that
the FIR has been instituted against unknown miscreants.



However, during the course of investigation, one Chhotan Kumar was apprehended by the police and the name of the petitioner has been surfaced on the confessional statement of the said Chhotan Kumar. Save and except the confessional statement of co-accused person, there is no other material suggesting the complicity of the petitioner in the present crime. Neither the petitioner has been put on Test Identification Parade nor any incriminating material has been recovered. Moreover, the person on whose confession, the name of the petitioner has been transpired, he has been granted the privilege of regular bail by this Court in Cr. Misc. No. 32547 of 2024 vide order dated 31.07.2024. It is lastly contended that the petitioner, having fair antecedent, has been incarcerated since 30.05.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the name of the petitioner has come during the course of investigation, when one of the co-accused person has disclosed his name as one of the associates.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that investigation of the crime is complete and the charge-sheet has been submitted, coupled with the fact that the person on whose



confession, the name of the petitioner has sprung up, has already been accorded the privilege of regular bail, apart from the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Doriganj P.S. Case No. 07 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the



court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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